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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2013-235

KAREN LYNN TRUE
6804 Cooper Spur
Mt. Hood, OR 97041
Registered Nurse License No. 397746

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 2, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-235 against Karen Lynn True ("Respondent") before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about March 31, 1986, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 397746 to Respondent. The Registered Nurse License expired on July 31, 2005, and has not been renewed.

1 3. On or about October 2, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2013-235, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: 6804 Cooper Spur, Mt. Hood, OR 97041.

7 4: Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about November 7, 2012, the aforementioned documents in Paragraph 3 which
11 were served by Certified Mail were returned by the U.S. Postal Service marked "Unclaimed."
12 The aforementioned documents in Paragraph 3 which were served by First Class Mail were not
13 returned by the U.S. Postal Service.

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
22 235.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 2013-235, finds
2 that the charges and allegations in Accusation No. 2013-235, are separately and severally, found
3 to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$825.00 as of November 8, 2012.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Karen Lynn True has subjected
9 her Registered Nurse License No. 397746 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
12 Nurse License based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Evidence Packet in this case;

14 (a) Business and Professions Code section 2761, subdivision (a)(4) on the grounds
15 of unprofessional conduct – out of state discipline – in that on November 8, 2006, in a case
16 entitled *In the matter of Karen True Crow, RN License No. 200441704RN*, case number 06-266,
17 the Board of Nursing of the State of Oregon (“Oregon Board”) issued a Final Order by Default
18 which revoked Respondent’s registered nurse license. The Oregon Board’s decision was based,
19 in part, on the following facts: In December 2005, Respondent admitted to Oregon Board staff
20 members that in 1985 she began using intravenous Heroin and continued using Heroin for 2
21 years. In December 2004, Respondent started using her husband’s intravenous Dilaudid
22 approximately 3 days per week for 10 months. In October 2005, Respondent injected Dilaudid
23 into her right arm and sought treatment at an emergency department. In or about November
24 2005, Respondent was admitted to Legacy Good Samaritan Hospital where she began treatment
25 for depression and chemical dependence. She later entered an outpatient treatment program and
26 was assigned the diagnosis of Opioid Abuse. In January 2006, Respondent entered the Oregon
27 Board’s Nurse Monitoring Program (“NMP”) and entered into a contract with the NMP
28 coordinator. On or about March 24, 2006, the Oregon Board learned that Respondent was asked

1 to leave a women's shelter due to drinking and she had left the state of Oregon. This behavior
2 was a breach of the NMP contract and she was no longer eligible to remain in the NMP program.

3 (b) Business and Professions Code section 2762, subdivision (b) on the grounds of
4 unprofessional conduct – drug related transgressions – in that from approximately 1985-1987,
5 Respondent used intravenous Heroin and between December 2004 and October 2005 Respondent
6 used intravenous Dilaudid to an extent or in a manner dangerous or injurious to herself, others, or
7 the public, or to the extent that such use impaired her ability to conduct with safety to the public
8 the practice of registered nursing.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 397746, heretofore issued to Respondent Karen Lynn True, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 29, 2013.

It is so ORDERED FEBRUARY 27, 2013


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51190373.DOC
DOJ Matter ID:LA2012507812

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sydney.Mehringer@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013 - 235**

12 **KAREN LYNN TRUE**

13 **Address of Record:**
14 **6804 Cooper Spur**
Mt. Hood, OR 97041

ACCUSATION

15 **Additional Address:**
16 **2213 Commercial Avenue**
Lake Isabella, CA 93240

17 **Registered Nurse License No. 397746**

18 Respondent.

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21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
25 Consumer Affairs.

26 2. On or about March 31, 1986, the Board of Registered Nursing ("Board") issued
27 Registered Nurse License Number 397746 to Karen Lynn True ("Respondent"). The Registered
28 Nurse License expired on July 31, 2005, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in which a license may be renewed or reinstated:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

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proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

...
"(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement."

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Oregon Board of Nursing)

12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4) on the grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined by the Board of Nursing of the State of Oregon ("Oregon Board"), as follows:

13. On November 8, 2006, *In the matter of Karen True Crow*, RN License No 2004-41704RN, case no 06-266, the Oregon Board issued a Final Order by Default which revoked Respondent's registered nurse license. The Oregon Board's decision was based, in part, on the following facts:

(a) In December 2005, Respondent admitted to Oregon Board staff members that in 1985 she began using intravenous Heroin and continued using Heroin for 2 years. In December 2004, Respondent started using her husband's intravenous Dilaudid approximately 3 days per week for 10 months. In October 2005, Respondent injected Dilaudid into her right arm and sought treatment at an emergency department.

(b) In or about November 2005, Respondent was admitted to Legacy Good Samaritan Hospital where she began treatment for depression and chemical dependence. She later entered an outpatient treatment program and was assigned the diagnosis of Opioid Abuse.

(c) In January 2006, Respondent entered the Oregon Board's Nurse Monitoring Program ("NMP") and entered into a contract with the NMP coordinator.

(d) On or about March 24, 2006, the Oregon Board learned that Respondent was asked to leave a women's shelter due to drinking and she had left the state of Oregon. This

1 behavior was a breach of the NMP contract and she was no longer eligible to remain in the NMP
2 program.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Drug Related Transgressions)


5 14. Respondent is subject to disciplinary action under Code section 2762, subdivision (b)
6 in that from approximately 1985-1987, Respondent used intravenous Heroin and between
7 December 2004 and October 2005 Respondent used intravenous Dilaudid to an extent or in a
8 manner dangerous or injurious to herself, others or the public or to the extent that such use
9 impaired her ability to conduct with safety to the public the practice of registered nursing. The
10 transgressions are described in more particularity in paragraph 13, subparagraph (a) above, and
11 are hereby incorporated by reference.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 397746, issued to Karen
16 Lynn True;
- 17 2. Ordering Karen Lynn True to pay the Board the reasonable costs of the investigation
18 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: October 02, 2012

21 *for* 
22 LOUISE R. BAILEY, M.ED., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 State of California
26 Complainant

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